

REMARKS

The status of the claims are as follows. Claims 1-20 are pending in the application. Claims 5, 10-18, and 20 are withdrawn from consideration. Claims 2-4 are cancelled herein. Claim 21 and 22 are added herein.

The Examiner objected to the drawings due to both "3" and "31" referred to a lumbar plate in the specification. Rather than amend the drawings, Applicant has amended the specification to remove the numbering conflict.

Claim 1 is objected to for an informality. Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Said claims have been cosmetically changed to address this objection and rejection.

Claims 1, 2, and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ligon, Sr. *et al.* (USPN 5518294) in view of Knoblock (USPN 5806930). Claims 3, 6, 7, and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ligon, Sr. *et al.* in view of Knoblock in further view of Cosentino (USPN 6430801). Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ligon, Sr. *et al.* in view of Knoblock in further view of Dal Monte (USPN 5664841). Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ligon, Sr. *et al.* in view of Knoblock in further view of Cosentino and in further view of Dal Monte.

Applicant respectfully traverses the rejections because the art cited by the Examiner does not teach, or suggest, each and every element of the independent claim 1, as is required under 35 U.S.C. §103(a). Further, the Examiner has not made a *prima facie* case of obviousness in the rejection of claim 1, as is required under 35 U.S.C. §103(a).

Specifically, Ligon, Sr. *et al.* does not teach, or suggest, "a lumbar support unit attached to a lower portion of the backrest part, which is **automatically protruded forwardly** when the

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seat-back member is tilted rearwardly, and is **resiliently restored to its normal position** when the seat-back member is erected", as disclosed in claim 1, as amended (emphasis added). To the contrary, Ligon, Sr., throughout, only teaches a seat with an actuator connector 110, which must be connected, in various embodiments, to external actuators (i.e., linear actuator or winding mechanisms) that activate the lumbar system in Ligon, Sr. That is, the lumbar protrusion operation in Ligon, Sr. requires more than *only* tilting the seat-back member forward, or rearward, as in the present invention. Thus, there is no singular "**automatic**" protrusion, and resilient restoration of a lumbar support unit upon the tilting of the seat-back member, as in the present invention.

In the Office Action, the Examiner states, "Ligon discloses a lumbar support unit that is attached to a lower portion of a backrest, which is automatically protruded forwardly when the seat back member is tilted rearwardly (Abstract)." (See Office Action, page 4, lines 3-5). Respectfully, Applicant could not find any disclosure in the Abstract of Ligon of an automatic protrusion of the seat back member upon it being tilted rearwardly.

In the Office Action, the Examiner further states, "The lumbar support unit is resiliently restored to its normal position when the seat back member is erected (Abstract, Co. 7, lines 5-52)." (See Office Action, page 4, lines 5-7). Again, the Abstract in Ligon is devoid of any language supporting the statement that the lumbar support unit is resiliently restored upon the seat back member being moved to an erect position. Respectfully, the Applicant's review of Column 7, lines 5-52 indicate a similar absence of the alleged language. The specification, in this section (i.e., Col. 7, lines 5-52), only discloses the requirement of adjusting means for forming the lumbar arch in the seat back. "[E]ffective length of tension member 18 is shortened by adjusting means 40, back support 16 is subtended longitudinally forming an arch 46 thereon" (Col. 7, lines 11-13). "Back support 16 is shown with arch 46 adjusted appropriately to support

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the back 50." (Col. 7, lines 21-22). "A back support designed in accordance with this invention automatically provides variable support without **further adjustment** by the user." (Col. 7, lines 46-48)(emphasis added). In sum, Ligon, Sr. clearly discloses a back member that adjusts to various loads imposed by various occupants *once the seat back member has been initially adjusted via the adjusting means*. There is no "automatic protrusion forwardly", nor resilient restoration when the seat back member is returned to an erect position. Thus, Applicant submits that a *prima facie* case of obviousness has not been shown by the Examiner, and, therefore, the rejection should be withdrawn.

Further, Knoblock, Cosentino, Dal Monte all do not remedy this glaring deficiency in Ligon, Sr. *et al.* Applicant submits that independent claim 1 be allowed, as well as, dependent claims 6-9 and 19, which depend therefrom.

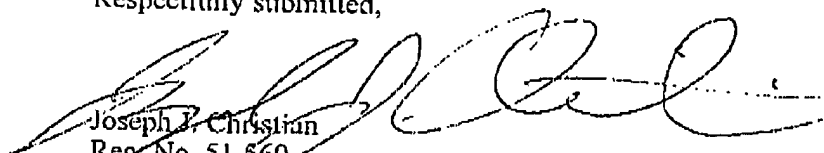
CONCLUSION

Based on the preceding arguments, Applicant respectfully submits that claims 1, 6-9, 19, and 21-22 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below.

Date:

12/15/03

Respectfully submitted,


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